

FILED**02/08/2022**

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Roger A.G. Sharpe, Clerk

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

Taylor B Hardy

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Indiana Department of Correction, Michael Rains, Dushan Zatecky

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. 2:22-cv-00048-JRS-MJD*(to be filled in by the Clerk's Office)*Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR EMPLOYMENT DISCRIMINATION

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include *only*: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievances, witness statements, evidence, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

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Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

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Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

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Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

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Other federal law *(specify the federal law)*:

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Relevant state law *(specify, if known)*:

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Relevant city or county law *(specify, if known)*:

II. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Taylor B Hardy

Street Address

3380 E Goldenrod Ave Apt 1

City and County

Terre Haute, Vigo

State and Zip Code

Indiana, 47802

Telephone Number

786-389-7821

E-mail Address

taylorbhardy@aol.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, a corporation, or another entity. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	Michael Rains
Job or Title (<i>if known</i>)	Deputy Warden of Re-entry
Street Address	1946 US-40,
City and County	Greencastle, Putnam
State and Zip Code	Indiana 46135
Telephone Number	(765) 653-8441
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	Dushan Zatecky
Job or Title (<i>if known</i>)	Warden
Street Address	1946 US-40
City and County	Greencastle, Putnam
State and Zip Code	Indiana 46135
Telephone Number	(765) 653-8441
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	Indiana Department of Correction
Job or Title (<i>if known</i>)	
Street Address	302 W Washington St e334
City and County	Indianapolis, Marion
State and Zip Code	IN 46204
Telephone Number	(317) 233-6984
E-mail Address (<i>if known</i>)	

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is

Name	Indiana Department of Correction Putnamville
Street Address	1946 US-40
City and County	Greencastle, Putnam
State and Zip Code	Indiana 46135
Telephone Number	(765) 653-8441

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☒ Other acts *(specify)*: Hostile Working Environment

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

December 28, 2022

C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain):*

<input checked="" type="checkbox"/>	race	<u>African American</u>
<input checked="" type="checkbox"/>	color	<u>Black</u>
<input type="checkbox"/>	gender/sex	<u></u>
<input type="checkbox"/>	religion	<u></u>
<input type="checkbox"/>	national origin	<u></u>
<input type="checkbox"/>	age <i>(year of birth)</i>	<u></u> <i>(only when asserting a claim of age discrimination.)</i>
<input type="checkbox"/>	disability or perceived disability <i>(specify disability)</i>	<u></u>

E. The facts of my case are as follows. Attach additional pages if needed.

On October 31, 2020, Hardy reported racial harassment to his supervisor Major Crabb, Angela Sutton and later on to Deputy Commissioner of Diversity and Development and HR Kathy Goss. Hardy an African American male, was hired by the State of Indiana / Department of Corrections (hereinafter "Defendant") on September 23, 2019. Hardy reported that another supervisor had used the word nigger with regard to referencing an African American. Hardy's complaint was made both verbally and in writing through his appropriate chain of command.

Hardy's reporting of said unlawful conduct constitutes protected activity under Title VII.

At the time of reporting said incident Hardy also warned his supervisors and HR Kathy Goss that Hardy was concerned that other officers who condoned such racist behavior would attempt to retaliate against Hardy for reporting the conduct and Hardy was labeled "a snitch". Instead Defendant allowed co-workers to continue to harass Hardy through the filing of false complaints and working in a hostile environment intolerable.

On December 28, 2020, Defendant terminated Hardy's employment. Defendant's reasons for terminating Hardy's are pretextual. Hardy was terminated due his race and/or in retaliation for engagement in protected activity, including his complaints of racial harassment and retaliation. At the time of termination Defendant was aware that any complaints against Hardy were untrue and were only made by employees, or friends of those employees, to whom Hardy had reported to Defendant for discrimination / harassment. Defendant's refusal to protect Hardy after he engaged in statutorily protected conduct by allowing employees to retaliate and spread false and untrue allegations against Hardy constituted a hostile and retaliatory working environment. As a result, Hardy has suffered lost wages, humiliation, inability to obtain another job in Law Enforcement and humiliation. Hardy wants his job back and payment for lost wages, damages for his suffering, attorney and court cost.

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A.** It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on *(date)*

03/09/2021

- B.** The Equal Employment Opportunity Commission *(check one)*:

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has not issued a Notice of Right to Sue letter.

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issued a Notice of Right to Sue letter, which I received on *(date)* 11-09-2021 .

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C.** Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct *(check one)*:

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60 days or more have elapsed.

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60 days or more have not elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I am economically, physically, and emotionally harmed because of Defendant's discriminatory and retaliatory actions.

requests full reinstatement (and/or front pay), back pay including all lost incentive pay, compensatory damages, as well as reasonable attorney's fees and all other just and equitable relief

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.


I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 02/08/2022

Signature of Plaintiff

Printed Name of Plaintiff

Taylor B Hardy

A handwritten signature in blue ink, appearing to read "Taylor B Hardy", is written over a horizontal line.

INSD Pro Se Employment Discrimination Complaint 10/21 (adapted from AO Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination)

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 02/08/2022

Signature of Plaintiff

Printed Name of Plaintiff


Taylor B Hardy

Digitally signed by Taylor B Hardy
DN: cn=Taylor B Hardy, o, ou, email=Taylorbhardy@aol.com, c=US
Date: 2022.02.08 16:35:42 -05'00'